

IN SENATE OF THE UNITED STATES.

JUNE 30, 1848.

Submitted, and ordered to be printed.

Mr. UNDERWOOD made the following

REPORT:

[To accompany bill S. No. 301.]

*The Committee of Claims, to whom was referred the petition of Thomas W. Chinn and M. Courtney, respectfully report:*

That the memorialists, with others, became the sureties of Thos. G. Morgan, in his official bond, as collector of the revenue for the district of Mississippi, including the port of New Orleans. Mr. Morgan was commissioned on the 25th of June, 1841, and on that day, as appears from its date, the sureties executed a bond with their principal to the United States, conditioned for the discharge of his duty as collector, according to the requirements of the act approved 4th July, 1840, providing for the collection, safe-keeping, transfer, and disbursement of the public revenue. The bond, thus executed, was justly liable to exceptions, and was not accepted by government. Two other bonds were executed, and rejected in consequence of defects. A bond dated 14th December, 1841, having been duly executed, was accepted. Upon this bond a judgment has been obtained by the United States against the memorialists, in consequence of the default of their principal, for the sum of sixty thousand five hundred and sixty-nine dollars and fifty-seven cents, with interest and costs. It is represented, and believed by the committee, that Morgan, late collector, and part of the sureties, are insolvent, and that the whole judgment will fall, if it can be collected at all, upon the memorialists, with the exception of about \$17,000, which they have secured from Morgan.

Against the judgment thus rendered the memorialists pray to be relieved, in consequence of the act of 4th July, 1840, after they had agreed to become surety for the collector, in such manner as greatly to increase the duties and responsibilities of the collector and the risk of his sureties. They moreover strenuously urge that the collector, in consideration of the increased duties and responsibilities, should receive additional compensation, and they claim a discount or deduction from the amount of the judgment, equal to  $2\frac{1}{4}$  per cent. on the amount of disbursements made by the collec-

tor. The United States judges who tried the cause, together with eight of the jury and many other gentlemen, have united in expressing the opinion that the commission claimed upon the sums disbursed between the repeal of the act of 4th July, 1840, and the time when the collector was directed to deposit the public money in the Bank of Louisiana, would be nothing more than a just and equitable compensation under the circumstances. Without adopting that as the precise measure of relief, the committee have deemed it proper to exonerate the sureties from the payment of one-third of the principal and interest of the judgment, provided they will secure the payment of the other two-thirds and the costs, and with that view a bill is herewith reported.